

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAIME ECHEVARRIA,
 Plaintiff,

v.

AEROTEK, INC.,
 Defendant.

Case No. 16-cv-04041-BLF

**ORDER LIFTING STAY AND
 REMANDING ACTION TO SANTA
 CLARA COUNTY SUPERIOR COURT**

On June 17, 2019, the Court issued an order denying Defendant's motion to dismiss Plaintiff's representative PAGA claim and to compel arbitration of any individual PAGA claim, and granting Plaintiff's motion to remand this action to the Santa Clara County Superior Court. *See* Order, ECF 96. The Court thereafter granted Defendant's motion for a stay pending appeal. *See* Order Granting Motion to Stay, ECF 105.

On August 3, 2020, the United States Court of Appeals for the Ninth Circuit ("Ninth Circuit") issued a Memorandum affirming in part and vacating in part this Court's order. *See* Memorandum, ECF 112. The Ninth Circuit affirmed the portion of this Court's order remanding the action and vacated the portion of the order addressing the issue of preemption. *See id.* at 2-3. The Ninth Circuit held that once this Court decided to decline supplemental jurisdiction of the PAGA claim, the Court was divested of jurisdiction to decide the preemption issue. *See id.* at 3. The Ninth Circuit ordered that "[t]he entirety of the PAGA litigation, including the issue of preemption, should be remanded to state court." *Id.* The Ninth Circuit's Mandate issued on August 25, 2020. *See* Mandate, ECF 113.

1 Accordingly, the stay of litigation is LIFTED and the action is REMANDED to the Santa
2 Clara County Superior Court. The Clerk shall close the file.

3 **IT IS SO ORDERED.**

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5 Dated: August 25, 2020

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7 BETH LABSON FREEMAN
8 United States District Judge
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